

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**THIRTY-EIGHTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 15, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Simpson. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wright, Page.

### Approval of Journal

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-seventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

OFFICE OF THE GOVERNOR  
Boise

February 14, 2012

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 364](#) and [H 365](#)

As Always - Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

February 14, 2012

Mr. Speaker:

I transmit herewith [SCR 118](#), [S 1236](#), [S 1259](#), [S 1214](#), [S 1272](#), [S 1279](#), [S 1278](#), and [S 1280](#) which have passed the Senate.

NOVAK, Secretary

[SCR 118](#), [S 1236](#), [S 1259](#), [S 1214](#), [S 1272](#), [S 1279](#), [S 1278](#), and [S 1280](#) were filed for first reading.

February 14, 2012

Mr. Speaker:

I return herewith [H 404](#), as amended in the Senate, which has passed the Senate.

NOVAK, Secretary

[H 404](#), as amended in the Senate, was ordered held at the Desk.

Mr. Bedke asked unanimous consent that the House concur in the Senate amendments to [H 404](#), as amended in the Senate. There being no objection, it was so ordered.

[H 404](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

### Report of Standing Committees

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 35](#), [H 533](#), [H 534](#), [H 535](#), [H 536](#), [H 537](#), [H 538](#), [H 539](#), [H 540](#), [H 541](#), [H 542](#), [H 543](#), [H 544](#), [H 545](#), and [H 546](#).

WILLS, Chairman

[HCR 35](#) and [H 546](#) were referred to the Commerce and Human Resources Committee.

[H 533](#) and [H 534](#) were referred to the Education Committee.

[H 535](#) and [H 536](#) were referred to the State Affairs Committee.

[H 537](#) and [H 540](#) were referred to the Transportation and Defense Committee.

[H 538](#) and [H 539](#) were referred to the Business Committee.

[H 541](#) was referred to the Health and Welfare Committee.

[H 542](#), [H 543](#), [H 544](#), and [H 545](#) were referred to the Resources and Conservation Committee.

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 384](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 384](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 490](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 490](#) was filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 491](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 491](#) was placed on General Orders for consideration.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [HJM 8](#) and recommend that it do pass.

NONINI, Chairman

[HJM 8](#) was filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, request that [H 518](#) be returned to the Desk for re-referral.

LAKE, Chairman

[H 518](#) was referred to the State Affairs committee.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 439](#), [H 441](#), and [H 442](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 439](#), [H 441](#), and [H 442](#) were filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 479](#) and [S 1243](#) and report them back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 479](#) and [S 1243](#) were placed on General Orders for consideration.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 506](#) and recommend that it do pass.

BARRETT, Chairman

[H 506](#) was filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 507](#) and report it back with amendments attached to be placed on General Orders for consideration.

BARRETT, Chairman

[H 507](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

[SCR 118](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

##### HOUSE BILL NO. 547 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO JUDICIAL CONFIRMATION; AMENDING CHAPTER 13, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1304, IDAHO CODE, TO PROVIDE FOR ELECTIONS RELATING TO PROPOSALS TO BOND OR OBLIGATE, TO PROVIDE OPTIONS FOR A POLITICAL SUBDIVISION FOLLOWING AN ELECTION, TO PROVIDE AN EXCEPTION AND TO PROVIDE FOR FURTHER PROCEEDINGS; AMENDING SECTION 7-1304, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT CERTAIN REQUIREMENTS MUST BE MET OR SPECIFIED PROVISIONS APPLY PRIOR TO THE FILING OF A PETITION FOR JUDICIAL EXAMINATION AND DETERMINATION, TO PROVIDE THAT PETITIONS SHALL INCLUDE A COST/BENEFIT ANALYSIS RELATING TO A PROPOSED EXPENDITURE THAT SHALL INCLUDE AN ANALYSIS OF THE IMPACT SAID EXPENDITURE WOULD HAVE ON CURRENT LEVELS OF ASSESSMENT AND TAX RATES AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 7-1308, IDAHO CODE, TO PROVIDE THAT IN MAKING FINDINGS RELATING TO A JUDICIAL EXAMINATION AND DETERMINATION A COURT SHALL DETERMINE WHETHER A POLITICAL SUBDIVISION HAS SHOWN THE COURT THAT COMPELLING REASONS EXIST FOR A PROPOSED BOND, OBLIGATION OR AGREEMENT AND PROVIDING FOR CERTAIN RECORDKEEPING.

##### HOUSE BILL NO. 548 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO YOUTH ATHLETES AND CONCUSSIONS; AMENDING SECTION 33-1625, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO LEGISLATIVE FINDINGS AND TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO YOUTH ATHLETES AND CONCUSSION GUIDELINES AND REQUIREMENTS.

##### HOUSE BILL NO. 549 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO LIENS; AMENDING SECTION 45-1910, IDAHO CODE, TO PROVIDE WHEN A NOTICE OF STATE LIEN WITH A COUNTY RECORDER FILED ON A DATE CERTAIN SHALL LAPSE, TO PROVIDE WHEN NOTICE OF A STATE LIEN TRANSITIONED TO THE SECRETARY OF STATE SHALL REMAIN IN EFFECT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

##### HOUSE BILL NO. 550 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO BUSINESS ENTITY NAMES; AMENDING SECTION 30-6-108, IDAHO CODE, TO PROVIDE THAT THE NAME OF A LIMITED LIABILITY COMPANY MAY NOT CONTAIN LANGUAGE FALSELY STATING OR IMPLYING GOVERNMENT AFFILIATION, TO PROVIDE CORRECT CODE REFERENCES AND

TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 53-2-108, IDAHO CODE, TO PROVIDE THAT THE NAME OF A LIMITED PARTNERSHIP MAY NOT CONTAIN LANGUAGE FALSELY STATING OR IMPLYING GOVERNMENT AFFILIATION AND TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 551**  
**BY STATE AFFAIRS COMMITTEE**  
**AN ACT**

RELATING TO THE CORONER; AMENDING SECTION 31-2802, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BURIAL OR CREMATION OF UNCLAIMED BODIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3412, IDAHO CODE, TO REVISE A SHORT TITLE; AMENDING SECTION 54-1143, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHT TO RELY ON CERTAIN AUTHORIZATIONS; AND AMENDING SECTION 14-107, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO BURIAL ARRANGEMENTS AND TO MAKE TECHNICAL CORRECTIONS.

[H 547](#), [H 548](#), [H 549](#), [H 550](#), and [H 551](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1236](#) and [S 1259](#), by Agricultural Affairs Committee, were introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1214](#) and [S 1272](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1279](#) and [S 1280](#), by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1278](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[HCR 32](#), by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

[H 448](#) and [H 497](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[S 1232](#) and [S 1253](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**[H 372](#) - MINERAL EXTRACTION - PENALTIES**

[H 372](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [H 372](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Schaefer. Total – 1.

Absent and excused – Crane, Loertscher, Moyle, Roberts, Simpson. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 372](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 460](#) - OIL AND GAS WELLS**

[H 460](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 460](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Burgoyne, Harwood, McMillan. Total – 3.

Absent and excused – Crane, Loertscher, Simpson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 460](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 462](#) - PUBLIC UTILITY REGULATION**

[H 462](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [H 462](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson,

Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Crane, Loertscher, Simpson. Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 462](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 463](#) - OIL AND GAS

[H 463](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 463](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Burgoyne, Harwood, King. Total – 3.

Absent and excused – Crane, Roberts, Simpson. Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 463](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [H 526](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

#### [H 526](#) - OIL AND GAS

[H 526](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

Mr. Harwood asked unanimous consent that, pursuant to Rule 22, discussion of [H 463](#) be allowed in debate of [H 526](#). There being no objection it was so ordered.

The question being, "Shall [H 526](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon(Malek), Chew, Collins, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Schaefer, Shepherd, Shirley, Sims, Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – Buckner-Webb, Burgoyne, Cronin, Jaquet, King, Ringo, Rusche, Smith(30), Trail. Total – 9.

Absent and excused – Crane, Roberts, Simpson. Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 526](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, February 16, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:57 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk